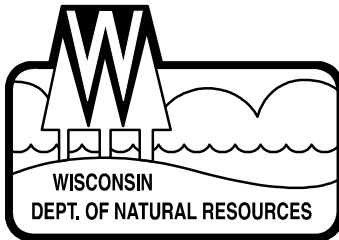


Scott McCallum, Governor
Darrell Bazzell, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY 608-267-6897



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

October 24, 2002

Chuck Lamine
Brown County Planning Department
100 N. Jefferson Street, Suite 608
Green Bay, WI 53707

Subject: Brown County Sewerage Plan

Dear Mr. Lamine:

I am writing to provide our reaction to the updated Brown County Sewer Service Area Plan, which you submitted earlier this year. I apologize for the delay in providing our review to you. Below are comments that need to be addressed before we can approve of the plan under NR121.

While the proposed document utilizes an innovative approach to meet 20-year planning requirements, the use of water quality and community planning incentives to modify the number of acres allocated to a specific designated management agency (DMA) is inconsistent with NR121. The code requires identification of needed acreage based on population projections (DOA or DOA approved), local density standards, and number of persons per household. Thus, while innovation to encourage better planning is welcome, the specific "carrot" of bonus acres allocated to a community in response to a subjective review of practices is unacceptable in a plan designed to determine 20-year acreage needs for public sewer service.

A second major concern is the lack of designated management agencies (DMAs) identified in the plan. Specifically, the plan needs to identify potential owners of the needed collection, transmission, and treatment of waste in publicly owned sewer systems in Brown County during the next 20 years. It is also DNR's understanding that time horizons applied to communities in the proposed plan are inconsistent – some communities reflect a 20-year time horizon, some reflect a lesser time horizon. DNR does not require that a community's service area expand with time – only that the plan reflects a consistent time period for all communities involved. If governance issues result in conflict over particular parcels, an interim strategy for resolving these issues should be outlined in the plan using as much specificity as possible. Further, the proposal to transfer lands between sewer service areas without an amendment is also inconsistent with the code in that changes to the areawide water quality management plan must be made through the authority identified in NR121 and delegated to the Watershed Management Bureau.

We are also very concerned with the proposal to reduce buffers for the designated environmentally sensitive areas. DNR's role under NR121 is to protect water quality. These buffers have been included to ensure that the water resources are adequately protected. The reduction of these buffers without any alternative performance standards for construction management and stormwater controls will significantly increase the potential for degradation of water resources. Absent such an alternative approach, you should reconsider reducing the buffers and/or evaluate the impact through specific project analysis prior to wholesale buffer modification.

Implementation of Brown County's minor amendment process must also be adjusted to reflect clarification of boundaries, but not removal of environmentally sensitive areas. Therefore, in the future Brown County should not process "minor amendments" that involve environmentally sensitive areas.

In that same vein, Brown County and DNR need to develop a process to ensure that substantive modifications to environmentally sensitive areas from the installation of stormwater management facilities is included in the plan update. This process may be as simple as sending DNR a copy of the proposed modifications to the ESA *once all permits are received* and having that information added to the Brown County SSA Plan file. This process must be clearly outlined in the plan update and agreed upon by both Brown County and DNR.

The proposed plan also removes requirements for providing information on impacts to specific community services, such as public water, school, etc. Due to the presence of substantial drinking water issues in Brown County, DNR requests that amendments continue to provide information concerning potential impacts on public drinking water supplies.

I hope these comments help you bring the existing plan into conformance with NR121. Please call me if you would like further clarification on these issues. Thank you.

Sincerely,

Charles R. Ledin, Chief
Great Lakes and Watershed Planning Section
Bureau of Watershed Management

C Lisa Helmuth, Terry Lohr WT/2
NER GMU Water Team Leaders